

Application Serial No. 10/005,052
Reply to Office Action dated June 10, 2004

**EXPEDITED HANDLING PROCEDURE
PURSUANT TO 37 C.F.R. § 1.116**

REMARKS/ARGUMENTS

In the Office Action, the Examiner notes that claims 1-48 are pending in the application, with claims 1-9, 16-18 and 20-48 currently standing rejected and claims 1-15 and 19 being objected to. The Applicant would like to thank the Examiner for stating that claims 10-15 and 19 would be allowable if rewritten in independent form. In view of the amendments to the claims and further in view of the following remarks, entry of this amendment and reconsideration of the application is respectfully requested.

Based on the Examiner's indication of allowable subject matter, Claim 1 has been amended to recite the requirement that the bran be reacted with ozone in an amount of --0.1 to 1 parts ozone per 100 parts bran--. As stated by the Examiner on page 5 of the Office Action, there is no teaching of using ozone in the amount claimed. Therefore, with this change, claims 1-9 and 16-40 should be in clear condition for allowance. Based on the change made to claim 1, claim 19 has been amended to change "0.1 to 1" to --0.3 to 0.7-- which is fully supported from the disclosure on page 15, lines 6+. Further, the limitation reciting a ferulic acid finished concentration --of less than 50 ppm-- has been amended in claim 1 to address the formal matter raised by the Examiner.

Claim 10 has been rewritten in independent form. As this claim was indicated to contain allowable subject matter, it has been placed in clear condition for allowance, along with claims 11-15. Dependent claim 15 has been amended to more clearly comply with the written description requirement by removing the step of --treating the filtered wet bran with catalase to remove residual acidulant to produce treated filtered wet bran--.

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In addition, claims 5, 9, 11, 12, 16, 17, 23 and 47 have been amended in form or to correct minor typographical errors. In any case, as each of the points raised by the Examiner have been addressed and the claims have been amended in accordance with the Examiner's suggestions, withdrawal of these rejections is requested.

The Examiner has rejected claims 41-46 and 47 under 35 U.S.C. 103(a) as being unpatentable over Stanley. Specifically, the Examiner states on page 4 of the Office Action that the properties in claims 41 and 43 are obviously found in the Stanley product because it is prepared using the same method as claimed. Claim 41 already recites that the grain product has a ferulic acid concentration of less than 30 ppm and has been amended to recite that the grain product has --an increased level of vanillin--. As disclosed on page 14, line 20 - page 15, line 6 of the present application, a controlled amount of ozone must be used to produce a grain product having a ferulic acid concentration of less than 30 ppm while having an elevated level or concentration of vanillin. Stanley has absolutely no disclosure to treat grain with ozone to the specific levels of ferulic acid and vanillin as claimed. In fact, the invention of claim 41 is particularly concerned with reducing the acid concentration and increasing the vanillin concentration to establish an improved grain product flavor. On the other hand, Stanley is concerned with bleaching a grain product through the use of peroxide or ozone and, more particularly, adding an esterifying agent prior to bleaching. Therefore, Stanley does not even address the invention sought to be covered and, again, certainly has no disclosure which addresses the particular product characteristics recited in claim 41. Based on the above arguments, the Applicant respectfully requests entry of the amendment and allowance of the claims.

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Based on the allowable subject matter indicated by the Examiner, the manner in which the claims have been amended and the arguments presented above, entry of this amendment/response, allowance of the claims and passage of the application to issue are respectfully requested. As the Examiner will likely remember, the Examiner was contacted to discuss this case prior to the filing of this response. However, due to timing issues, it was deemed necessary to file this response before an interview could be conducted. If the Examiner should have any additional concerns regarding the allowance of this application, the Examiner is cordially invited to contact the undersigned at the number provided below to establish such an interview in order to further expedite the prosecution of the application.

Respectfully submitted,



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